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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 4:25-cv-04966-HSG

**NOTICE OF MOTION AND MOTION FOR
LEAVE TO FILE BRIEF OF THE
ALLIANCE FOR AUTOMOTIVE
INNOVATION AND THE NATIONAL
AUTOMOBILE DEALERS ASSOCIATION
AS *AMICUS CURIAE* IN SUPPORT OF
DISMISSAL**

Administrative Procedure Act Case
Action Filed: June 12, 2025
Trial Date: none
Hearing Date: February 12, 2026
Judge: Honorable Haywood S. Gilliam

NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE AMICUS BRIEF

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that on February 12, 2026, or as soon as the matter may be heard in the courtroom of the Honorable Haywood S. Gilliam, Jr. of the United States District Court for the Northern District of California, located at 1301 Clay Street, Oakland, California 94612, the Alliance for Automotive Innovation and the National Automobile Dealers Association will and hereby do move for leave to file an *amicus curiae* brief in support of Defendants' Motion to Dismiss.

The Alliance for Automotive Innovation (Auto Innovators) and the National Automobile Dealers Association (NADA) respectfully move for leave to file the attached brief as *amicus curiae*. A copy of the proposed *amicus curiae* brief and a proposed order are attached.

STATEMENT OF INTEREST

Auto Innovators is a trade association that represents nearly all of the full-line automakers producing and selling motor vehicles in the United States. Each of Auto Innovators' members does business in California. Auto Innovators collaborates with industry leaders, legislators, regulators, and other stakeholders in Washington, D.C. and across the country to develop public policy that promotes innovation, vehicle safety, and environmental responsibility. Auto Innovators carries out its mission by participating in actions, such as rulemaking and litigation, to protect the rights and interests of automobile manufacturers and the other automotive-related stakeholders. Among other goals, Auto Innovators seeks to protect its members' interests in clear, feasible, harmonized regulations addressing the automobile industry, including greenhouse gas emissions and zero-emission vehicle requirements. Auto Innovators' members have a significant interest in clear, common-sense regulations that include realistic, achievable mandates while still providing for consumer choice. They also must make production decisions years in advance for future models, and they rely upon regulatory and legal clarity and certainty in making these costly production decisions. Accordingly, Auto Innovators has a strong interest in defending the joint resolutions of disapproval at issue in this litigation.

NADA is the voice of franchised new car and truck dealers in the United States, representing more than 16,000 vehicle dealers that engage in the sale of new vehicles throughout the country,

including 1,178 new car dealers in California. NADA’s members employ more than 1,200,000 people nationwide, and most are small businesses as defined by the Small Business Administration. NADA partners with a broad range of leaders—including lawmakers, agencies, and other stakeholders—at both the federal and state levels to influence policies that promote dealer interests. To that end, NADA has long supported single, national emissions standards that are technologically feasible, economically practicable, and do not restrict consumer choice. NADA seeks to protect its members’ interests by opposing unrealistic zero-emission vehicle mandates that will directly impact the fleet mix available to its dealer members and their corresponding ability to satisfy their customers’ demands. The American Truck Dealers (ATD), a division of NADA, represents over 3,800 franchised commercial truck dealers, all located in the United States, who sell new and used trucks, tractors and trailers, and engage in service, repair, and parts sales. ATD’s dealer members are on the front line working with truck owners and operators every day to support the movement of our nation’s freight. They collectively employ more than 144,000 people and have a total U.S. payroll of \$9.9 billion. In 2024, ATD dealers sold \$130 billion of goods and services across the country. Based on the foregoing, NADA also unquestionably has a strong interest in defending the joint resolutions of disapproval at issue in this litigation.

ARGUMENT

In its order denying the motions to intervene, this Court invited any Proposed Intervenor to instead file a motion for leave to file an amicus brief by December 12, 2025. Order Denying Mots. to Intervene, ECF. No. 182, at 9. This Court has “broad discretion” to allow the participation of *amicus curiae*, and there are “no strict prerequisites to qualify as amici.” *NetChoice v. Bonta*, 2023 WL 6131619, at *1 (N.D. Cal. Sept. 18, 2023) (quoting *Sec. & Exch. Comm’n v. Bittrex Inc.*, 2023 WL 4866373, at *1 (W.D. Wash. July 31, 2023)). Rather, an individual or entity seeking to appear as amicus must merely “make a showing that his[/its] participation is useful to or otherwise desirable to the court.” *Bittrex*, 2023 WL 4866373, at *1. “The touchstone is whether the amicus is ‘helpful,’ and there is no requirement ‘that amici must be totally disinterested.’” *California v. Dep’t of Labor*, 2014 WL 12691095, at *1 (E.D. Cal. Jan. 14, 2014) (quoting *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir.

1 1982), *abrogation on other grounds recognized by Montijo v. Swaney*, 754 F. App'x 522 (9th Cir.
2 2018)).

3 This Court will benefit from briefing because Auto Innovators and NADA will present a helpful
4 perspective to the Court as they represent a substantial portion of the industry that was most directly
5 affected by the Environmental Protection Agency (EPA) waiver of preemption for California's
6 Advanced Clean Cars II regulations, and would be the industry directly regulated by those standards if
7 the waiver is reinstated. As the impacted industry, Auto Innovators and NADA are steeped in EPA
8 and California vehicle emission regulations. They are well positioned to provide unique insight into
9 the operation of EPA waivers as rules rather than adjudication as described in the attached brief.

10 CONCLUSION

11 For these reasons, Auto Innovators and the NADA's motion for leave to file as *amicus curiae*
12 should be granted.

13 Dated: December 12, 2025

Respectfully submitted,

14 /s/ Rachel Levick

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